

ANA DE LEON MELÉNDEZ, ET ALS
Plaintiffs

v.

DOCTOR'S CENTER HOSPITAL, ET ALS
Defendants

CIVIL NO. 98-1875 (GG)

ORDER AND PARTIAL JUDGMENT

During the Initial Scheduling Conference in the case, the parties agreed that the deceased's grandchildren, who are plaintiffs in this case, do not have a cause of action regarding the inherited claims of damages because at present time they are not heirs. (Docket entry #13 & 25). Accordingly, the parties agreed that the court should dismiss said claims. **See**, Amended complaint, Part IV, ¶1, docket entry #14.

Upon careful consideration of the above, the allegations in this case and the record before us, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties' request for partial dismissal is **GRANTED**.

WHEREFORE, the inherited claims asserted by co-plaintiffs Juan Carlos Vázquez, Pedro de León Vicente, Luz Borrero de León, Gilberto Borrero de León and Edgardo Rosario de León, all grandchildren of deceased Sara Meléndez Hernández, are **DISMISSED**. Judgement is hereby entered accordingly. The case will continue as to the remaining parties.

SO ORDERED AND ADJUDGED.

San Juan, Puerto Rico, this 23rd day of December, 1999.

GILBERTO GIERBOLINI
Senior U.S. District Judge